

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

PATRICK H. PIERCE

PLAINTIFF

V.

NO. 3:16CV54-MPM-SAA

UNION CO. SHERIFFS DEPT., ET AL.

DEFENDANTS

FINAL JUDGMENT

Having considered the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge was duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The magistrate judge's Report and Recommendation should therefore be approved and adopted as the opinion of the court. It is ordered:

1. That the Report and Recommendation of the United States Magistrate Judge is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That, as the plaintiff failed to appear for the hearing held under the holding in *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), the instant case is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute and failure to obey an order of the court.

3. That this case is **CLOSED**.

SO ORDERED, this, the 29th day of August, 2016.

/s/ MICHAEL P. MILLS
**UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI**

